

## Interpretative Guide for Unlicensed Registered Child Care Ministries

The purpose of this guide is to provide the ministry regulatory staff with a tool for determining compliance with a particular ministry rule/law. The guide also provides information on the purpose of each rule/law as well as any special instructions necessary for compliance determination. Thus it should also serve as a useful document for child care ministry providers to allow for a better understanding of the rules/laws in preparation for registration and for on-going compliance.

The guide's structure and order are the same as the rules. The guide is organized in the following format:

- The complete text of the rules is first. The symbol ■ is used to indicate the rule or the code.
- Following the rule is the 'intent' statement. The intent statement summarizes the purpose of the rule – the 'why' of the rule. The symbol ♦ is used to indicate the intent.
- To coordinate the guide with the Checklist for Registered Child Care Ministries Sanitation Survey, before the intent often there will be a heading with the number, section title and specific provision(s) of the checklist that apply, i.e., "3. FACILITY a., b.
- Next is the 'assessment method'; this provides licensing staff guidance on the means for evaluating compliance with the rule. The symbol ○ is used to indicate the assessment method.
- Last is the 'threshold of compliance'; this provides licensing staff guidance on determining whether or not a rule should be cited as non-compliant. The symbol ▲ is used to indicate the threshold of compliance.

Please note that not all rules have an interpretative guide and not all interpretative guides have the three components.

Unlicensed registered child care ministries are subject to both Indiana Code (IC) and Indiana Administrative Code (IAC). IC is statute or law created by the Indiana Legislature. IAC is rule developed by the Indiana Family and Social Services Administration through the public process required by Indiana statute.

Unlicensed registered ministries that would like to accept voucher children must also meet the CCDF Health and Safety Standards as directed in 470 IAC 3-18 and as outlined in the CCDF Health and Safety Standards Unlicensed Registered Child Care Ministry Procedure Manual. These standards can be found on the website, as noted below.

For more information - [www.in.gov/fssa/carefinder](http://www.in.gov/fssa/carefinder)

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## **Rule 4.5. Child Care Facilities; Registered Day Care Ministries**

### **■ 470 IAC 3-4.5-1 Definitions**

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 1. As used in 410 IAC 22-2 *[this rule]*:

“Applicant” means that person who is the religious organization's local executive officer, such as the president of board of directors, board chairman, head of governing body, etc. Regardless of who is in charge of the daily program, the day care ministry shall be under the jurisdiction and management of the religious organization.

“Certificate of notice” means a document that is issued to the operator of a registered day care ministry found to be in compliance with 410 IAC 22-2 *[this rule]*.

“Registered day care ministry” means day care provided as an extension of a church or religious ministry that is a religious organization exempt from federal income taxation under Section 501 of the Internal Revenue Code, unlicensed but registered with the state board of health and state fire marshal's office pursuant to IC 12-3-2-12.7(c)

#### **♦ Intent:**

To ensure the understanding that a registered day care ministry is also known as an Unlicensed Registered Child Care Ministry. This is also to clarify that the legal entity responsible for the overall operation of the child care facility is the religious organization listed on the approved 501 C 3 document.

■ “Ministry” means an unlicensed but registered day care ministry.

“Food” means any raw, cooked, or processed edible substance, ice, beverage, drink, or ingredients used or intended for use in whole or in part for human consumption.

“Food equipment” means stoves, ovens, ranges, hoods, slicers, mixers, meatblocks, tables, counters, refrigerators, sinks, dishwashing machines, steam tables, and similar items other than utensils, used in the operation of a kitchen.

#### **♦ Intent:**

To clarify that food equipment includes all items used in the operation of food services.

■ “Potentially hazardous food” means any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients, including synthetic ingredients, in a form capable of supporting growth of infectious or toxigenic microorganisms. The term does not include clean, whole, uncracked, odor-free shell eggs or foods which have a pH level of 4.6 or below or a water activity (Aw) value of 0.85 or less.

“Sanitization” means effective bactericidal treatment by a process that provides enough accumulative heat or concentration of chemicals for enough time to reduce the bacterial count, including pathogens, to a safe level on utensils and equipment.

“Single-service articles” means cups, containers, lids, closures, plates, knives, forks, spoons, stirrers, paddles, straws, napkins, wrapping materials, toothpicks, and similar articles intended for one-time, one person use and then to be discarded.

“SBH” means the Indiana state board of health.

“Utensils” means any implement used in the storage, preparation, transportation, or service of food.

#### ■ **470 IAC 3-4.5-2 Registration**

Authority: IC 12-13-5-3

Affected: IC 12-17.2

■ Sec. 2. (a) Application. Application for registration to operate a day care ministry shall be submitted annually to the SBH on forms provided for that purpose by that agency. As part of the application, the applicant shall submit a notarized criminal history affidavit form together with a statement verifying its exemption from federal income taxation under Section 501 of the Internal Revenue Code.

#### ◆ Intent:

To clarify the requirements for the annual application for registration as follows:

- Persons wishing to initially apply as an Unlicensed Registered Child Care Ministry must first attend Ministry Orientation Training 1 and 2 presented by the Division.
- Application must be signed by a representative from the church or religious organization.
- Indiana criminal history check request form (CHC) is submitted on the individual signing the application.
- State of residency criminal history check documentation is submitted on the individual signing the application, if residency is in another state.
- SBH is interpreted as Division of Family Resources (DFR) or the Division.

Accepted documents from the IRS include:

- IRS letter confirming the facilities tax exempt status as a church and the completion of an “addendum,”
- IRS determination letter of 501 c 3 status as a church,
- Copy of the exempt organization determination letter of a group exemption for the national or regional governing body and a currently dated statement from the group leadership office that the church or religious affiliated organization is a member organization covered under the group ruling,
- An IRS determination letter indicating 501 c 3 status as a public charity (proof of application is acceptable for no more than 6 months) and copy of the Articles of Incorporation filed with the Indiana Secretary of State showing your organization is incorporated as a non-profit religious corporation.
- A Letter of Acknowledgement from the IRS stating that they are in receipt of the formal request for 501(c)(3) recognition will allow operation for up to six (6) months (Pending Status).

○ Assessment Method:

Ensure persons submitting an initial application have attended Ministry Orientation Training once within a one year period from the application.

- Review application for the required statement verifying tax exempt status of the organization and to ensure all required documentation is included and correct.
- If all requirements are not satisfied, the application is rejected. The original application is then returned to the applicant, excluding the registration fee, with a letter outlining the following:
  - The specific requirements that must be met within the time frame specified.
  - If the original completed application is not returned within the specified time, the registration request may be terminated.

■ (b) Certificate of Notice. A certificate of notice shall be issued to a ministry found to be in compliance with 410 IAC 22-2 *[this rule]* during each quarterly inspection.

◆ Intent:

To ensure the understanding of the following:

- Certificate of Notice is also known as Certificate of Registration
- A Certificate must be posted in a conspicuous place, visible to the public.
- Inspections known as “Quarterly Inspections” are now done at least semi-annually (change in statute effective March 2006).
- A Certificate of “NOT IN COMPLIANCE” will be issued when the ministry fails two consecutive sanitation or fire and building safety inspections within an inspection year.
- Three (3) consecutive inspection failures will lead to a “termination” of the ministry’s registration status as an approved unlicensed registered child care ministry.

■ (c) Certificate Validation. A registered day care ministry certificate of notice is deemed invalid unless the applicant complies with subsection (d) of this section within a reasonable time.

◆ Intent:

To ensure the understanding of the following requirements:

- Non-compliances shall be corrected within 30 days of inspection.
- Corrections of non-compliances deemed hazardous to the health and/or safety of the child care staff and/or children under the care of the ministry shall be corrected by the date determined by the Division.

■ (d) Reporting Requirements. It shall be the responsibility of the applicant to report promptly to the SBH the following changes or events:

◆ Intent:

To ensure the understanding that failure to report these changes can lead to “termination” of the unlicensed registered child care ministry’s “Certificate of Notice.” This is also to clarify that, while the rule states that SBH must be contacted, the Division (DFR) must be notified of the change (s).

- The expected change(s), except for (6), must be reported to the Division before the change takes place for the ministry to be considered as operating legally.

- (1) when the applicant changes;

◆ Intent:

To clarify that a new application shall be submitted and an initial inspection shall be performed.

- (2) if the location of the religious organization changes;

◆ Intent:

To clarify that a new application shall be submitted and an initial inspection shall be performed

- (3) if the location of the building in which the child care service is provided changes;

◆ Intent:

To clarify that (1) A new application shall be submitted and initial inspection shall be performed and (2) Department of Homeland Security (DHS), Fire and Building Safety Division [formerly known as State Fire Marshall (SFM)] shall also be notified of location changes.

- (4) when the child care service is discontinued;

◆ Intent:

To ensure that the ministry shall notify the Division of the closure and return the current Certificate of Notice.

- (5) a change in the location within the building where day care is provided;

◆ Intent:

To ensure that the Division and DHS shall be contacted and alerted to any room change where child care is being provided.

- (6) any major damage caused by fire or natural disaster which adversely affects the sanitary conditions of the ministry.

◆ Intent:

To ensure the understanding that facilities sustaining major damage, adversely affecting sanitary conditions of the ministry, shall close until repairs are complete and shall pass a re-inspection by the Division and/or DHS prior to re-opening.

○ Assessment Method:

Check the ministry record for appropriate notice of any of these conditions.  
Check the ministry for any of the conditions specified and the files for appropriate notice to the Division.

▲ Threshold of Compliance:

Noncompliance may be the result of a complaint investigation.

### ■ 470 IAC 3-4.5-3 Water supply, plumbing and sewage disposal

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 3. (a) Water Supply. Water supplies shall be constructed and operated in accordance with the requirements of 410 IAC 6-5.1-8.environmental management. New plumbing equipment shall meet the requirements of the fire prevention and building safety commission (FPBSC) and SBH.

#### ◆ Intent:

To ensure safe drinking water is provided and plumbing equipment is installed correctly.

#### ○ Assessment Method:

Check for unsealed cracks in pipes, plumbing and ducts. In addition check for openings at pipe/wall interface.

#### ▲ Threshold of Compliance:

Failure to comply with this rule is grounds for temporary closure or termination.

### ■ 470 IAC 3-4.5-4 Buildings, grounds, equipment, furnishings, materials and supplies

Authority: IC 12-13-5-3

Affected: IC 12-17.2

#### ◆ Intent:

To clarify that all areas, indoors and outdoors used for child care will be inspected, using an inspection checklist developed by the Division.

■ Sec. 4. Physical Facilities. The building or parts thereof used for day care purposes shall be structurally sound and shall at all times be maintained in a clean, safe, and sanitary condition and be in a good state of repair.

(1) All interior surfaces, equipment, materials, furnishings, and objects with which children will come in contact shall be well maintained, in a clean and sanitary condition, and of nontoxic durable construction.

Checklist # 3. FACILITY a., b.

#### ◆ Intent:

To protect the health and safety of children and to prevent the spread of communicable disease and/or infection, the building, surfaces, equipment, materials, furnishings and objects shall be structurally sound, kept clean and in safe condition and free of hazard. It is important for the ministry to have procedures to ensure the proper cleanliness and regular maintenance of the ministry.

The following shall be considered evidence of non-compliance with clean, sanitary and safe premises and equipment:

- Built up dirt, grime, odors over time
- Holes in walls, torn carpeting, cracked or peeling paint, structures and surfaces not cleanable, soled, crusty walls and floors, stained ceiling tiles.

- If condition of the building warrants, environment testing may be required.

This rule also intends to prevent the spread of infectious disease by proper sanitizing/disinfecting of specified areas and equipment in the Ministry. Caring for Our Children recommends either a self-made solution consisting of ¼ cup of household bleach to each gallon of water (1 tablespoon per quart) or a commercially prepared disinfectant which indicates it kills bacteria, viruses and parasites and shall be used in accordance with label instructions. The ministry should consult with a health consultant or the Division to determine the most appropriate sanitizing solution and procedures for routine disinfecting/sanitizing.

○ Assessment Method:

- Observe that all areas of the ministry are clean, in good repair and free from any hazard or danger to health and safety.
- Ask Director and staff about procedure for washing and sanitizing and the procedure for preparing disinfectant solution and implementation on a regular basis.
- Observe the ministry for cleanliness and sanitizing practices.

▲ Threshold of Compliance:

The ministry is in compliance if there is evidence that the requirements are being met and the ministry looks clean, sanitary and in good repair.

Checklist # 11. PLAYGROUNDS a., b.

◆ Intent:

To protect their health and safety, children shall have access to a safe outdoor playground with equipment that should meet the guidelines of the Consumer Product Safety Commission's current "Handbook for Public Playground Safety." Consultants and inspectors will use these guidelines to determine compliance with the above rules.

- Playground equipment shall be properly installed, be sturdy, have no broken parts, closed S hook.
- Playground equipment shall be properly maintained and frequently inspected by ministry staff to ensure compliance at all times. The ministry shall repair or discard broken equipment. Sand shall be covered when not in use to protect it from contamination by animals and raked prior to use.
- Fencing, if used, shall be sturdy, free of sharp edges, secure and maintained in good repair. When fences are used, they should be at least 4 feet high and of material such as chain link, wood fences with smooth finish and with openings that will not permit children to climb through or other materials approved by the Division. Equipment shall be located a safety distance from the fence; distance will vary according to the size and type of equipment.
- Natural barriers shall be free of hazards such as poisonous plants and thorns and shall be dense enough to protect children from wandering out of the play.
- Playground areas and equipment shall be well-drained to ensure insect control and prevent the spread of disease.



○ Assessment Method:

- Check all play equipment, for compliance with each requirement of the rule, as specified. There shall be no broken parts, rusty spots, sharp edges, protrusions, pinch or crush points, splinters, missing parts or otherwise unsafe conditions.
- Check fencing, drainage and hazards.
- Ask Director and staff about plans for periodic safety check of the equipment and playground areas.

Checklist # 11. PLAYGROUNDS c., d.

◆ Intent:

To ensure that children are not exposed to health and safety risks when involved in swimming.

To prevent accidental drowning and illness or infections that result from poor sanitary practices. Swimming and wading pools are a frequent cause of childhood injuries and deaths. Constant, intensive supervision is necessary for children in the pool; therefore a caregiver can not also supervise children who are not in the pool. When not in use all pools must be absolutely inaccessible to the children. According to State Department of Health rules, wading pools without a filter are not permitted in child care.

- In-ground swimming pool located on the premises of the ministry shall have a current permit from the ISDH, meeting rule 410 IAC 6-2 and written verification of weekly water samples from an approved lab.
- Wading pools shall meet applicable rules of 410 IAC 6-2.

○ Assessment Method:

- Check for approved and current permit for in-ground swimming pools, if applicable. Check for documentation of weekly water samples from an approved lab.
- Observe the premises and interview caregiver to determine if a wading pool is available to the children. If visiting ministry while pool is in use, closely observe the staffing and supervision.
- Observe the pool for locked gate and fencing.

Checklist # 11. PLAYGROUNDS e.

◆ Intent:

To prevent the spread of disease, water tables, if used, shall meet the following:

- Water tables shall be filled with fresh potable water immediately before a group of children begins play activity at the table or shall be supplied with freely flowing fresh potable water during the water activity.
- The basin and toys shall be washed and sanitized before the next group uses the water table.
- Children shall wash their hands before and after they use a communal water table.

- Caregivers shall ensure that no child drinks water from the water table.
- Water tables shall be maintained with a chlorine level between 1-3 parts per million (ppm) and the free available chlorine levels shall be checked periodically using an approved swimming pool test kit.

○ Assessment Method:

- Check for ISDH or county health department written approvals for swimming pool.
- Check for written documentation of water samples as specified.
- Pools are to be inspected on an semi-annual basis.
- Check water table for sanitary conditions.
- Ask Director and staff about procedures to ensure that water table is used in a sanitary condition.

▲ Threshold of Compliance:

The ministry is in compliance if all conditions are met. .

Checklist # 3. FACILITY h.

◆ Intent:

To protect the children from harm and from the spread of illnesses that can be transmitted by animals, animals must be properly handled. .

- If animals are allowed in the ministry, they shall be kept clean and in cages.
- Pets kept by the ministry shall be free from diseases with potential for transmission to humans.
- Animals must be fully vaccinated in accordance with state law.
- There shall be no ferrets, turtles, reptiles, psittacine birds (birds of the parrot family such as cockatoos, cockatiels, and parakeets), or any wild or dangerous animals permitted in a child care ministry.
- Dogs, cats and other similar animals shall be on a leash and only in the ministry for infrequent visits.
- Cages housing animals shall be kept clean and in sanitary condition.
- It is very important for staff and children to wash their hands after handling, feeding or cleaning pets or their cages.

○ Assessment Method:

Observe conditions as specified. Check records for vaccinations of pets.

▲ Threshold of Compliance:

The ministry is in compliance if all conditions are met.

Checklist # II Infant/Toddler 1. a., c.

◆ Intent:

Placing infants to sleep on their backs instead of their stomachs has been associated with dramatic decrease in deaths from Sudden Infant Death Syndrome (SIDS). Infants have been found dead on their stomachs with their faces, noses and mouths covered by soft bedding, such as pillows, quilts,

comforters and sheepskins. However, some infants have been found dead with their heads covered by soft bedding even while sleeping on their backs.

- Caregivers shall place infants on their backs or sides in their cribs for sleeping.

Note:

Parents may not request a waiver for this unless there is a documented medical reason signed by a physician. When infants turn over on their own, it is permissible to leave them on their stomachs rather than awakening them, however all infants shall be placed on back or sides when placed in the crib.

o Assessment Method:

Ask Director and staff about safe sleeping practices and procedures and training to ensure appropriate implementation. Observe infants sleeping.

▲ Threshold of Compliance:

The ministry is in compliance if all conditions are met.

- (2) All restrooms shall be equipped with flush toilets and handwashing sinks and shall be ventilated to the outside. An adequate supply of water, under pressure, shall be provided at all handwashing sinks, as well as soap and disposable paper towels in dispensers. Toilet paper in dispensers shall be located at each toilet.

Checklist # 5. BATHROOMS c.

♦ Intent:

To ensure that the ministry provides adequate toilet facilities. This is necessary to provide for personal cleanliness, to protect children from contamination from body waste and thus prevent the spread of germs which may cause disease such as typhoid fever, paratyphoid fever and dysentery.

- The ministry shall provide a minimum of one (1) functioning sink and one (1) functioning flush toilet.

o Assessment Method:

Observe that the required number of sinks and toilets are provided and are in working condition.

5. BATHROOMS h.

♦ Intent:

The rule intends to ensure that furnishings are safe, cleanable, able to be sanitized and accessible to the children if not child size. Further, the rule intends to ensure the toilet room maintains proper ventilation by an openable, screened window or working mechanical ventilation. A window should be openable to 45% of the window space and covered with a 16 mesh screen.

o Assessment Method:

Check for conditions as specified. Check to ensure that no hazardous items or items that can not be sanitized are located in the bathroom, such as toilet brushes, plungers, or mops.

#### Checklist # 5. BATHROOMS d. & g.

##### ♦ Intent:

To facilitate the maintenance of personal cleanliness in the interest of preventing the spread of disease causing organism:

- Each hand washing sink must have an adequate supply of water, under pressure.
- It is important to have toilet paper in dispensers at each toilet, soap at each handwashing sink, and disposable towels in dispensers for the hand washing sinks.
- Shared access to disposable towels at more than one sink is acceptable if the location of these is fully accessible to each child.

##### ○ Assessment Method:

- Check water at each sink.
- Check for soap, toilet paper and disposable towels available to children in the bathrooms. If liquid soap dispensers are used, they must be easy to operate by the children.
- Soap bars must be clean and stored in a sanitary manner.

#### Checklist # 5. BATHROOMS h.

##### ♦ Intent:

To prevent the spread of disease and ensure cleanliness, all surfaces of the bathroom shall be water resistant, non-absorbent and cleanable. Floors shall be tiled, linoleum, sealed concrete, etc. Acceptable wall surfaces include vinyl-coated paneling, laminated plastics, concrete block which is filled and sealed, dry wall coated with hard surface paint, etc. Any surface containing cracks or breaks or which is porous or absorbent is not acceptable. Wall – floor interface must be sealed by baseboard or other approved method.

##### ○ Assessment Method:

Check bathrooms for clean and sanitary conditions as specified in the intent. Ask Director and staff about procedures and their implementation to ensure cleanliness.

■ (3) Refuse, garbage, empty food containers, soiled diapers, or other items soiled with body fluids shall be discarded into conveniently located tightly lidded, watertight containers. These containers must be kept in a sanitary condition, and covered when not in use.

#### Checklist # 7. FOOD SAFETY/SERVICE o.

##### ♦ Intent:

To ensure that garbage and trash are stored in tightly covered receptacles and stored in locations where children cannot have access to them. Trash containers shall be maintained in clean condition. Lining containers with plastic bags or liners reduces the contamination of the container itself and the need to wash the containers which increases the risk of spreading the contamination into the environment.

- Watertight trash containers shall have liners.
- All indoor and outdoor containers used for refuse shall be maintained in a sanitary manner.

○ Assessment Method:

Observe conditions as specified.

- (4) All open windows, doors which are kept open for other than entering and leaving, ventilators, and other outside openings shall be protected against insects by securely fastened 16 mesh screening. Cracks shall be sealed and sealing shall be in place around pipes, plumbing, and ducts.

Checklist # 3. FACILITY g. and 7. FOOD SAFETY/SERVICE q., p.

◆ Intent:

To protect health and to deter insects from entering the ministry, all openable windows and outer doors shall have at least 16 mesh screening in good repair. All unscreened windows and doors shall be kept closed. Minimizing the potential for flies and other flying insects from entering the child care environment will help prevent disease transmission, insect bites and insect stings. Some children can develop severe allergic reactions to insect bites and stings.

To prevent hazardous and unsanitary conditions, all cracks shall be sealed and pipes, plumbing and ducts must be well sealed.

○ Assessment Method:

- Check for secure 16 mesh screening at all openable windows and doors.
- Check for closed unscreened windows and doors.
- Check for sealed cracks, pipes, plumbing and ducts.
- No opening between exterior door and jams or thresholds.

- (5) Drinking water facilities shall not be located in restrooms and shall be constructed of impervious, easily cleanable materials and shall be kept clean and in a good state of repair. Drinking fountains, where provided, shall have a sanitary type guarded angle-stream jet head and an adjustable flow regulator.

Checklist # 3. FACILITY f.

◆ Intent:

To ensure that children shall have drinking water readily available to meet their needs and maintained in a sanitary manner and not in bathrooms.

○ Assessment Method:

- Check for approved drinking fountains, water coolers and single service cups.
- Check for location of water fountains and/or coolers.
- Check for cleanliness of the drinking water facilities.
- Drinking water shall not be supplied from a sink in a toilet room.

▲ Threshold of Compliance:

The ministry must receive a score of 70% or greater to pass the inspection.

Facilities receiving a score less than 70% will be considered as “non-compliant,” be given a plan for improvement and will be re-inspected.

■ **470 IAC 3-4.5-5 Food service sanitation**

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Checklist # 7. FOOD SAFETY/SERVICE

♦ Intent:

To clarify that approved kitchens must meet Indiana Administrative Code 410 IAC 7-24 (excluding the requirement for food service training.)

■ Sec. 5. (a) Food Service. The kitchen and any other food preparation area shall be maintained in a clean and sanitary condition, separate from areas used for any other purpose, and shall be so located that it is not used as a thoroughway to other rooms or areas. The kitchen shall not be used for children's activities or naps, a dining or recreational area for adults, or as an office.

Checklist # 7. FOOD SAFETY/SERVICE mm.

♦ Intent:

To prevent contamination of food and to prevent children from wandering into food preparation areas and the chance of accidental injury, the kitchen shall be separate from all other areas, shall not be a thoroughway to other rooms nor used for children's activities, staff dining room or lounge, nor used as an office. .

○ Assessment Method:

Ask Director and food service staff about procedures to ensure that kitchen is not used for other purposes as specified. Observe that this area has lockable doors, gates or other means to deter children and others from entering the kitchen.

Checklist # 7. FOOD SAFETY/SERVICE q., dd., hh., nn.

♦ Intent:

To protect health, the kitchen shall be maintained in a clean and sanitary condition:

- Floors shall be covered with tile or linoleum – no carpet. The floor must be cleanable and in good repair.
- Walls should be covered with a cleanable material – no wallpaper or contact paper. Counter surfaces shall have no cracks, open spaces or open seams.
- Wooden butcher-block counters must be sealed.
- Wooden cutting board or wooden utensils are permitted if in good repair.
- Plastic or rubberized cutting boards must be in good repair.

○ Assessment Method:

Observe conditions as specified.

■ (b) Food Safety. All foods provided by the ministry, for children enrolled in the day care ministry, shall be from a food establishment, inspected and approved by a governmental agency. Food items shall be received at the ministry in the original, unopened, undamaged packaging and shall be properly protected from damage and potential contamination. Food shall be free from spoilage, filth, or other contamination and shall be safe for human consumption. The temperature of all potentially hazardous food shall be 45° F. or below or 140° F. or above at all times. Frozen food shall be kept frozen and should be stored at a temperature of 0° F. or below.

#### Checklist # 8. VENDING a - e.

##### ◆ Intent:

To ensure that the ministry provides safe food to children in care, the food service operation must meet the applicable rules for food establishments from local health authorities. The rule also intends to ensure that if the ministry receives food from a vendor, the vendor shall be approved by local authorities and the ministry should have a written contract outlining the vendor's responsibility.

- Hot foods should be maintained at temperatures of 135 degrees F. or above and cold foods should be maintained at temperatures of 41 degrees F. or below at all times.
- To prevent food contamination, the food shall be checked with a working food-grade, metal probe thermometer to accurately determine if the foods are safe for consumption. The ministry should record food temperatures in a log book to document a pattern of temperature control and spot shifts toward unsafe levels. The record of potentially hazardous temperatures should be maintained for 1 year.
- The transport containers with food shall be insulated, washable and capable of maintaining the appropriate food temperatures. It is important that food be received in its original, unopened, undamaged packaging and protected from potential contamination.

##### ○ Assessment Method:

- Ask Director about vendor food service and procedures for monitoring the condition of the food upon arrival.
- Check the file for a written contract between the ministry and the vendor with responsibilities clearly outlined.
- Check the log of temperatures and especially record of potentially hazardous temperatures; check that the log is maintained for 1 year.

##### ▲ Threshold of Compliance:

The ministry is in compliance if there is evidence that all rules are met.

#### Checklist # 7. FOOD SAFETY/SERVICE j., k., l.

##### ◆ Intent:

This rule also intends to ensure that all food prepared and served to children in the ministry is safe for human consumption and free from spoilage, filth and other contamination. Regardless of who provides the food, this rule is intended to help prevent food born illness by requiring wholesome food from approved

sources. By labeling and dating food, the food service staff can rotate the oldest foods to be used next and discard foods that have gone beyond safe storage times.

- All food shall be clean, wholesome, free from spoilage and adulteration, correctly labeled and safe.
- Home canned foods are prohibited due to the danger of botulism and other spoilage.
- All prepared food shall be served promptly or discarded properly.

○ Assessment Method:

- Talk with Director and food service staff about procedures to ensure the safe handling and storage of food.
- Look at food, milk and other beverages for spoilage or contamination.
- Observe food service for handling of food both during the serving and that which is left over.

▲ Threshold of Compliance:

The ministry is in compliance if there is evidence that all rules are met.

■ (c) Refrigerator and Freezers. Enough conveniently located refrigeration facilities shall be provided to assure the maintenance of potentially hazardous food at required temperatures during storage. Refrigerators and freezers shall be in good condition, clean, and shall maintain the proper temperatures. Each compartment of the refrigerator and freezer shall be provided with an accurate thermometer, in good position for daily monitoring.

Checklist # 7. FOOD SAFETY/SERVICE i., r., s.,jj.

◆ Intent:

To ensure proper storage of food requiring refrigeration. Thermometers to measure the temperature of both the refrigerator(s) and freezer(s) shall be placed in all compartments to ensure maintenance of the proper temperature. There shall be sufficient refrigerator space for proper storage of perishable foods in lunches which are potentially hazardous such as meats, cheese, fish, poultry, dairy products, eggs, potato or other salads, foods that require reheating, i.e., spaghetti, meat dishes, etc.

- All foods, including individual foods brought from home, will be maintained at the proper temperature.
- (2) There shall be a working thermometer in each compartment of all refrigerators to maintain a proper temperature of 41 degrees F. or less.
- (3) There shall be an accurate thermometer in each compartment of all freezer(s), positioned for ease in daily monitoring, to keep food properly frozen.
- (4) Refrigerators and freezers shall be routinely cleaned and sanitized to prevent bacteria growth from built up soil which can contaminate stored foods.

○ Assessment Method:

- Observe conditions as specified.



- Observe for thermometers in each compartment and that they are registering 41 degrees F. for refrigerators and 10 degrees F. for freezers.
- Ask Director and food service staff about schedule for cleaning and cleaning procedures to assure refrigerators and freezers are kept clean and sanitary.

**▲ Threshold of Compliance:**

The ministry is in compliance if all conditions are met.

- (d) Ranges. Enough conveniently located ranges shall be provided to assure the maintenance of hot, potentially hazardous food at the required temperatures during storage. Ranges shall be in good condition, clean, and in proper and safe operating condition.

**Checklist # 7. FOOD SAFETY/SERVICE ii.**

**♦ Intent:**

If meals are prepared at the ministry, there shall be enough ranges, maintained in good working condition, clean and safe. This rule is intended to ensure that hot food is maintained at the required temperatures of 135 degrees F. or above during storage. All commercial gas ranges shall be mechanically vented and fumes filtered prior to discharge to the outside.

- All vents and filters shall be maintained free of grease build-up and food spatters and in good repair.
- Ranges shall be kept clean, safe and in good operating condition.
- If microwave ovens are used, they shall be inaccessible to pre-school children. Any microwave oven in use should be manufactured after October 1971 and shall be in good repair.

**○ Assessment Method:**

If food is prepared, check kitchen for sufficient, clean ranges in good working condition. Check for proper, clean range vents.

**▲ Threshold of Compliance:**

The ministry is in compliance if there is evidence that the rule is met.

- (e) Dishwashing. Any multi-use utensils, tableware, or kitchenware shall be washed and sanitized between each use. Dishwashing and sanitizing shall be conducted mechanically in a commercial dishwasher or manually in a three (3) compartment sink, one (1) of these may be a portable sink or container, deep enough to permit total immersion of the articles used by the ministry. Drainboards or movable dish tables of adequate size shall be provided. The manual dishwashing procedure shall consist of thoroughly washing multi-use utensils and equipment in a detergent solution in the first compartment of the sink, and rinsing free of such solutions in the second compartment of the sink. A sink used for dishwashing shall not be used for handwashing. All eating and drinking utensils and, where required, the food-contact surfaces of all other equipment and utensils shall be sanitized in the third compartment by one (1) of the following methods:

(1) immersion for at least one-half (1/2) minute in clean, hot water maintained at a temperature of at least 170° F.; or

(2) immersion for at least one (1) minute in clean water which is at a temperature of at least 75° F. and which contains an approved sanitizing agent at an effective concentration.

#### Checklist # 7. FOOD SAFETY/SERVICE d., e., g.

##### ◆ Intent:

To ensure the proper cleanliness and sanitizing of utensils, tableware or kitchenware, the ministry shall have a commercial dishwasher in good operating condition or a 3 compartment sink. Manual dishwashing shall include 3 stages – wash, rinse and sanitize – using one of the methods specified in the rule. This rule also is intended to ensure good hygiene by requiring a hand washing sink separate from the sink used for food preparation and dish washing to prevent contamination of food.

- Dishes, pots, pans and utensils shall be stored in a manner that protects them from contamination.
- Use of a portable sink/tub is no longer allowed (410 IAC 7-24).

##### ○ Assessment Method:

- Observe the dishwashing procedure for conditions specified.
- For manual dishwashing, check for 3 compartment sink with drain board or movable dish table of adequate size for the items washed.
- Observe storage of dishes, pots, pans and utensils.
- Observe for approved dishwasher with at least a 2 compartment sink.
- Observe posted manual dishwashing procedures.

##### ▲ Threshold of Compliance:

The ministry is in compliance if the conditions are met.

■ Cleaned and sanitized equipment and utensils shall always be air dried, never towel dried.

#### Checklist # 7. FOOD SAFETY/SERVICE f.

##### ◆ Intent:

To prevent the spread of germs.

■ An alternative to dishwashing is the use of sturdy, all disposable, single-service articles and utensils. Reuse of single-service articles and utensils is prohibited.

#### Checklist # 7. FOOD SAFETY/SERVICE v.

##### ◆ Intent:

To prevent the spread of disease, single service items are used once and then discarded.

■ All permanent ware infant feeding bottles and reusable nipples provided by the ministry shall be washed and sanitized by the ministry after each use as follows: Prewash in hot detergent water in a nonhandwashing sink; scrub bottles and nipples inside and out with bottle and nipple brush; squeeze water through nipple hole during

washing; and rinse well with clean, hot water. Boil in clear water – bottles for five (5) minutes; nipples and caps, collars, and tongs for three (3) minutes; and air dry. Store each item separately in clean, covered, labeled containers.

#### Checklist # II INFANT/TODDLER 2. BOTTLES/FOOD SAFETY a - b.

##### ♦ Intent:

To protect infants from contaminated milk. Infant feeding bottles are contaminated by the child's saliva during feeding. Formula and milk promote the growth of bacteria.

- Sterilizing of infant bottles shall not exceed one (1) minute in boiling water or a commercial dishwasher may be used. (This change in process is due to recommendations of Caring for Our Children, National Health and Safety Standards.)
- Bottles, nipples, and collars shall be stored in separate covered storage containers after drying.

##### ○ Assessment Method:

- Ask Director and infant staff about procedures for sterilizing bottles.
- Observe bottle cleaning and sterilizing or sanitizing and check for non hand washing sink used for cleaning bottles.
- Check for proper storage of each item in separate, clean, covered and labeled containers.

##### ▲ Threshold of Compliance:

The ministry is in compliance if infant bottles are washed, sanitized and stored as required.

#### Checklist # II INFANT/TODDLER 2. BOTTLES/FOOD SAFETY c. - g.

##### ♦ Intent:

To protect the health of infants by ensuring that infant food, formula and milk are handled in a safe manner to prevent contamination and ensure proper cleaning and storage.

- Opened jars of infant food, filled infant bottles, and opened formula shall be refrigerated at 41 degrees F. or colder when not in use. If feeding directly from baby food jars, leftovers will be discarded.
- Opened infant food, formula and formula filled bottles shall be used within 24 hours after opening according to manufacturing directives.
- Infant bottle contents shall be discarded after feeding.
- Infant food and formula used shall be within the acceptable dates for usage and shall not have expired.

##### ○ Assessment Method:

- Ask Director and infant caregivers about procedures and their implementation for preparation, cleaning, heating and storage of infant foods and formula or milk.
- Observe the preparation and feeding of infants for conditions specified.

- (f) Storage. Containers and packages of food, cleaned and sanitized utensils, equipment, and single service articles shall be stored at least six (6) inches above the floor in a clean, dry location in such a way that protects them from contamination, cleaning compounds, and toxic or hazardous materials. This does not apply to cased food packaged in waterproof containers.

#### Checklist # 7. FOOD SAFETY/SERVICE m., k., t., y.

##### ◆ Intent:

To ensure the proper storage of food to prevent contamination. Storage of food off the floor in a safe and sanitary manner helps prevent food contamination and keeps insects and rodents from entering the products. This practice also facilitates cleaning.

Mishandled food can incubate the growth of naturally occurring bacteria or can be contaminated by dust, insects, rodents or leaky pipes. Food can also be contaminated by cleaning compounds and toxic or hazardous materials. For children, a small dose of infectious or toxic material can lead to a serious illness. Some molds produce toxins that may cause illness.

Keeping bulk food containers out of the children's reach prevents contamination and misuse. Young children cannot be expected to have learned safe food handling practices well enough to risk the food supply of others.

- Storage shelves shall be painted with varnish, oil-based paint, enamel, or other cleanable materials.
- No "glue backed" contact paper or shelf paper shall be used as a shelf liner since it is uncleanable.
- Items must be stored 6 inches off the floor.
- Food storage shelves must be cleanable and sanitizable.

##### ○ Assessment Method:

Observe food storage for conditions specified.

- (g) Hygiene. A sink used exclusively for handwashing shall be located in the kitchen and supplied with soap and disposable towels from a dispenser. Persons who prepare, handle, and serve food shall thoroughly wash their hands with soap and water and use disposable towels for drying. Handwashing shall be done before starting work and as often as necessary to keep them clean. Persons who prepare and handle food shall wear clean, washable garments (aprons or smocks) and effective hair restraints. All food preparation and eating surfaces shall be sanitized before and after use.

#### Checklist # 7. FOOD SAFETY/SERVICE b., gg., h., i., x., cc.

##### ◆ Intent:

To ensure good hygiene. The kitchen shall have a hand washing sink separate from the sink used for food preparation and dish washing, in accordance with specifications in (g) to prevent contamination of food.

This rule also is intended to prevent the spread of infectious disease and food contamination through appropriate hand washing of staff working in the kitchen.

Health professionals, including the American Academy of Pediatrics, agree that careful hand washing by staff is the simplest and most important basic measure to control the spread of infection. They further suggest that written reminders of hand washing policy be posted in the kitchen. Training of new staff and periodic training of staff on proper hand washing is important to reinforce the correct procedure.

- Food preparation and eating surfaces shall be sanitized routinely with an approved sanitizing solution as referenced in 470 IAC 3-4.5.6 (c).
- Hand washing shall be done as specified-before starting work and as often as necessary to keep them clean.
- It is important for food service staff to wear clean, washable aprons or smocks and effective hair restraints.
- An effective hair restraint is one that covers all hair on the head.
- The person responsible for food service should have documentation of certified food service training.
- Only approved sanitizing solutions shall be used.

○ Assessment Method:

- Ask Director and staff about procedures for ensuring proper hand washing and proper attire for food service staff.
- Observe hand washing before and after each of the specified tasks.
- Observe food service staff for cleanliness, aprons and hair restraints as specified.
- Check for approved sanitizing solutions for cleaning food preparation surfaces.

▲ Threshold of Compliance:

The Ministry is in compliance if staff hygiene procedures are in place and staff are observed to comply with the requirements of the rule.

■ **470 IAC 3-4.5-6 General sanitation**

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 6. (a) Cots and Cribs. Cots and cribs shall be constructed of sturdy, cleanable material and sanitized after each use; weekly sanitation of a cot or crib is acceptable if the cot or crib is used exclusively by the same child each day. Not more than one (1) child may occupy a crib or cot at any one (1) time. Linens and coverings shall be kept clean.

Checklist # II. INFANT/TODDLER 1. ROOM OBSERVATION a. – c.

◆ Intent:

To ensure that infants and toddlers are permitted to sleep according to their own needs in safe, clean and sanitary sleeping equipment and bedding. To protect the safety of infants/toddlers, the ministry shall use cribs that meet US Consumer Product Safety Commission (CPSC) crib safety standards. The intent is to prevent strangling, falls and other injuries.

- Every sleeping infant shall be provided an appropriately sized crib that meets CPSC standards.

- Separate sleeping reduces the spread of disease from one child to another.
- Check the construction of cribs according to safety standards. It may be necessary to take measurements to determine compliance for some conditions, e.g., distance between slats, height of rails, test latches for safety and sturdiness, and size and thickness of mattress.

○ Assessment Method:

- Ask Director and staff about procedures and their implementation for ensuring safe sleep equipment and for cleaning and sanitizing sleep equipment and bedding.
- Observe infant/toddler sleep equipment and sleeping children for conditions specified. Measurement of the distance between slats may be necessary.

Checklist # II. INFANT/TODDLER 1. ROOM OBSERVATION c.

◆ Intent:

To ensure that cots and cribs are kept clean and in good repair to prevent the spread of germs and protect the safety and health of the children.

- Cots and cribs used by different children must be sanitized daily between each use.
- Cots and cribs clearly assigned to and used by the same children each day may be sanitized weekly unless there is evidence of spoilage.
- Cots should be properly spaced on all sides to prevent the spread of germs unless they touch a wall or room divider.
- For the children's safety cots and cribs must not obstruct aisles or exits while children are using them.
- Mats are not permitted for children to lie on.

○ Assessment Method:

- Observe that each child is supplied with a cot appropriate to his/her age.
- Ask Director and staff about schedule for cleaning and sanitizing cots and cribs and procedures for ensuring cleaning between uses for shared cots and cribs.
- Observe that cots assigned to individual children are marked with the child's name or other identifying mark.
- Observe cots for cleanliness, proper spacing between cots and that cots do not obstruct aisles or exits.
- Observe the storage of cots to be sure they are not being stacked in a way that the sleeping surfaces touch.

Checklist # II. INFANT/TODDLER 1. ROOM OBSERVATION b.

◆ Intent:

To ensure that children are provided clean, individually assigned linens and coverings which are seasonably appropriate to keep the child warm.

- The ministry shall have extra clean blankets available for use as needed.
- The covers shall be cleaned weekly or when dirty and between uses by different children to prevent the spread of infection.

- To prevent smothering, children's faces and heads shall not be covered by the blanket.

○ Assessment Method:

- Observe that each child is provided with his/her own linens and covers, such as blankets and sheets that are appropriate to the season.
- Observe that covers are marked with the child's name.
- Observe the extra supply of blankets and other covers. Ask the Director and staff about this.
- Observe covers for cleanliness. Ask staff about laundering and cleaning procedures.
- Observe napping children's faces and heads to be sure they are not covered

▲ Threshold of Compliance:

The ministry is in compliance if there is evidence that all rules are met.

- (b) Handwashing. Adults and children shall wash their hands after using the toilet and before eating.

Checklist # 5. BATHROOM a. – b.

◆ Intent:

To prevent the spread of infectious disease. Health professionals, including the American Academy of Pediatrics, agree that careful hand washing by staff is the simplest and most important basic measure to control the spread of infection. They further suggest that written reminders of hand washing policy be posted in toilet rooms and kitchens. Training of new staff and periodic training of staff on proper hand washing is important to reinforce the correct procedure. This rule also intends to prevent the spread of infection and food contamination by staff working in the kitchen.

- Hand sanitizers shall not be used in lieu of hand washing with soap and water.
- Sanitizer solutions shall meet current Bureau of Child Care (BCC) standards

○ Assessment Method:

- Ask Director and staff about procedures for ensuring proper hand washing as required and about kitchen hygiene procedures
- Observe hand washing before and after each of the specified tasks.
- Check on use of hand sanitizers.

▲ Threshold of Compliance:

The ministry is in compliance if staff hygiene procedures are in place and staff are observed to comply with the rule.

- (c) Ill Children. Ill children shall be kept separate from others and all surfaces and items with which a sick child has come in contact with shall be cleaned and sanitized after each use. Individual belongings shall be kept separate.

#### Checklist # 9. ILL CHILDREN a. - b.

##### ◆ Intent:

To ensure that a child with a symptom of illness requiring exclusion from the ministry is removed from the group and cared for in a separate area where he/she can be watched and given appropriate care until parents/guardians can come for them or are diagnosed by a physician as posing no health risk.

- All surfaces and items that the ill child has come into contact with shall be cleaned and sanitized after each use.

##### ○ Assessment Method:

- Check the health policies and procedures for handling ill children and providing a separate area for them and children suspected of communicable disease.
- Ask Director about procedures to ensure the proper cleaning and sanitizing of all surfaces and items used by the child.
- Ask the Director and staff about the implementation of these procedures and the number of incidents.

##### ▲ Threshold of Compliance:

The ministry is in compliance if there are policies and procedures meeting the rules and if interviews with staff provide evidence that the policies and procedures are being met.

#### Checklist # 9. ILL CHILDREN b.

##### ◆ Intent:

The rule is also intended to ensure that children's individual belongings are kept separate. Children shall be provided with individual space to store their clothing and bedding to minimize the spread of illness. This may include cubbies (cubicle with one open side), hooks with built-in separators or hooks at least 18 inches apart, laundry bags, diaper bags, separate bins or other similar cleanable storage units. Storage spaces must be cleaned before use by another child.

- All children's belongings shall be stored so that they do not touch.

##### ○ Assessment Method:

Observe individual storage spaces to ensure that clothing and bedding for each child does not touch another child's.

##### ▲ Threshold of Compliance:

The ministry is in compliance if children's individual garments, i.e., coats, blankets do not touch when being stored.

■ (d) Diapers. The diapering process shall be done on a table, in a clean and sanitary manner. The diaper changing surface shall be sanitized after each use and materials used for skin cleansing shall be discarded after each use into a tightly covered, easily sanitized container. Individuals responsible for diaper changing shall wash their hands after each diaper change.



#### Checklist # 4. DIAPERING a. – e.

##### ♦ Intent:

To ensure a specific diaper changing area that is clean and sanitized after each use. This rule is intended to protect the health of the children through limiting the existence of disease causing organisms which may be spread during the diaper changing procedure. Cribs can be used if there is a hand washing sink accessible to the provider. The rule intends to ensure that diaper changing is done in a way that helps control the spread of bacteria and germs.

The rule is also intended to ensure the understanding that the diaper changing table shall have an easily cleanable surface.

- Wicker/mesh, lattice, or cloth material are not cleanable surfaces.
- Materials used for skin cleansing during diapering must be discarded in a tightly covered, sanitizable container.
- Staff doing the diaper changing shall wash their hands after each diaper change.
- Sanitizing of the diaper changing surface may be done daily if a water; any deviation must be approved through BCC. Licensees will be given directions for the most common type, then directed to contact BCC for different products.
- A resistant barrier shall be placed between the surface and the infant's bottom and all body fluids are contained on the barrier.
- The diapering process cannot be done on the floor.
- The rule permits infants to be diapered in their cribs if they cannot pull up as long as sanitary practices are used as in (7).
- Diapering in a crib must be done on a sanitizable surface (approved diaper pad or change crib sheet after each diaper change).

##### ○ Assessment Method:

- Check the diaper changing area to ensure that it meets the conditions as specified.
- If possible, observe the changing of a child or children to ensure procedure is carried out.
- If diaper changing is not being performed, ask staff about diaper changing practice.
- Observe staff hand washing before and after each diaper change.
- Observe infants being diapered in their cribs.
- Ask Director and staff about sanitizing solution.

##### ▲ Threshold of Compliance:

The ministry is in compliance if all rules are met.

#### ■ IC 12-17.2-6

#### Chapter 6. Regulation of Child Care Ministries

##### ♦ Intent:

To clarify that a Child Care Ministry is also known as an Unlicensed Registered Childcare Ministry.

#### ■ IC 12-17.2-6-1

##### **Licensure of ministries**

Sec. 1. A child care ministry is exempt from licensure under this article if the child care ministry complies with this chapter. However, a child care ministry may apply for licensure. If a license is issued to the child care ministry, the child care ministry shall comply with state laws and rules governing licensure of the type of facility that the ministry operates.

##### ♦ Intent:

This statute establishes the exemption from licensure for child care ministries if they comply with this chapter. It further permits them to apply for licensure and, if they do so, requires compliance with all applicable licensed statutes and rules.

Facilities operated by churches or religious organizations that are licensed are classified as licensed child care centers.

#### ■ IC 12-17.2-6-2

##### **Operation of unlicensed ministries**

Sec. 2. An unlicensed child care ministry under section 1 of this chapter may not operate unless the child care ministry has registered with and met the requirements of the division and the division of fire and building safety. Registration forms shall be provided by the division and the division of fire and building safety.

##### ♦ Intent:

This statute establishes that an unlicensed registered child care ministry shall be allowed to operate as long as it has registered and complies with the requirements of the Division and Department of Homeland Security (DHS), Fire and Building Safety Division.

#### ■ IC 12-17.2-6-3

##### **Registration of licensed ministries**

Sec. 3. The operator of a licensed child care ministry under section 1 of this chapter shall register under section 2 of this chapter at least ninety (90) days before the expiration of the child care ministry's license or ninety (90) days before surrendering the license.

##### ♦ Intent:

This statute establishes the time frames within which a licensed child care ministry must notify the Division of its wish to be registered or surrender its license. Facilities operated by churches or religious organizations that are licensed are classified as licensed child care centers.

#### ■ IC 12-17.2-6-4

##### **Inspection of unlicensed ministries by division**

Sec. 4. (a) The division shall inspect a child care ministry registered under section 2 of this chapter to ensure that the child care ministry complies with the rules of the division adopted under IC 12-17.2-2-5(a).

(b) The division shall make an inspection described in subsection (a):

(1) at least semiannually; and

(2) additionally as determined necessary by the division, but not more than four (4) inspections per year per child care ministry.

♦ Intent:

This statute is procedural in nature and directs the action of the Division to inspect child care ministries to determine compliance with the applicable rules of the Division; it also establishes the number of yearly inspections.

- As of March 2006, the statute changed from quarterly inspections to at least semi-annual inspections.
- Failure to allow State authorized inspectors the ability to inspect can lead to termination of a ministries registration.

■ **IC 12-17.2-6-5**

**Rules for fire prevention and inspection of unlicensed ministries**

Sec. 5. (a) As used in this section, "primary use of the building" means the occupancy classification that is:

- (1) most closely related to the intended use of the building; and
  - (2) determined by the rules of the fire prevention and building safety commission in effect at the time that the child care ministry is first registered.
- (b) The state fire marshal shall inspect a child care ministry registered under section 2 of this chapter to ensure that the child care ministry complies with the requirements of subsection (c).
- (c) Except as provided in the following, a registered child care ministry shall comply with all rules of the fire prevention and building safety commission applicable to the primary

Checklist # 2. STATE FIRE MARSHAL, now known as Department of Homeland Security, Fire and Building Safety Division, APPROVAL

♦ Intent:

To define the occupancy classification "primary use of the building" as it relates to unlicensed registered child care ministries and to establish that child care ministries shall be required to meet all applicable fire and building safety requirements for the primary use of the building.

To ensure the understanding that the registration status of an unlicensed registered child care ministry shall be terminated if it fails to meet the requirements of the DHS.

- (1) A registered child care ministry with an occupant load of at least fifty (50) shall do either of the following:
- (A) Install and maintain a fire alarm system in compliance with the rules of the fire prevention and building safety commission.
  - (B) Provide a notice on a form prescribed by the division of fire and building safety to the parents of each child who attends the ministry stating that the ministry does not have the same level of fire safety protection as a licensed child care center.
- (2) Each registered child care ministry with an occupant load of less than fifty (50) shall do either of the following:
- (A) Install and maintain in good operating condition at least one (1) battery operated smoke detector in each room and corridor used by the ministry.
  - (B) Provide a notice on a form prescribed by the division of fire and building safety to the parents of each child who attends the ministry stating that the ministry does not have the same level of fire safety protection as a licensed child care center.

◆ Intent:

To establish the fact that policy and interpretation of fire safety laws shall be determined by the DHS.

To ensure that parents understand the level of fire safety protection in an unlicensed registered child care ministry, this statute requires an unlicensed child care ministry to either meet the fire safety rules required by the DHS for its occupancy load or to provide a notice to parents. (a.k.a. "Opt Out Letter") that the facility does not have the same level of protection as a licensed child care center.

■ (3) Each registered child care ministry shall comply with the rules of the fire prevention and building safety commission concerning fire drills. For purposes of this subsection, occupant load is determined by dividing the total square footage of the area used by the child care ministry by thirty-five (35) and rounding any result that is not a whole number up to the next whole number.

(d) The state fire marshal shall make an inspection of a child care ministry registered under section 2 of this chapter at least annually.

(e) During an inspection, the state fire marshal shall inspect the structure in which the child care ministry is conducted for fire safety and life safety with respect to the structure's primary use.

◆ Intent:

To establish the process for determining occupancy load capacities for an unlicensed registered child care ministry and number and parameters of inspections by the DHS.

To ensure the understanding of the following:

- Exceeding occupant load capacities may lead to enforcement action by the Division.
- DHS inspections may be conducted more than one time per year to ensure compliance.

○ Assessment Method:

- Check the facility files for an approved fire inspection report.
- Two consecutive non-complied DHS inspections, within the inspection year, may lead to an informal meeting with the Division and DHS and can lead to termination of registration.
- Opt Out Letters will be checked by DHS inspectors.

■ **IC 12-17.2-6-6 Version b**

**Inspection notices for unlicensed ministries**

Sec. 6. Upon the completion of the inspections required under this chapter, a notice signed by the inspectors from the division and the division of fire and building safety shall be issued to the operator of each child care ministry found to be in compliance. The notice shall be placed in a conspicuous place in the child care ministry, and must be in substantially the following form: "THIS UNLICENSED REGISTERED CHILD CARE MINISTRY has been inspected and complies with state rules concerning health and sanitation in child care ministries.

DATE \_\_\_\_\_

SIGNATURE \_\_\_\_\_

## DIVISION OF FAMILY RESOURCES

THIS UNLICENSED REGISTERED CHILD CARE MINISTRY has been inspected and complies with state law concerning fire safety and life safety.

DATE \_\_\_\_\_

SIGNATURE \_\_\_\_\_

DIVISION OF FIRE AND BUILDING SAFETY".

### ♦ Intent:

This statute establishes the Certificate of Registration issued to an unlicensed registered child care ministry upon determination of compliance with the health and sanitation and fire safety and life safety rules.

- A compliance Certificate of Registration shall be issued when a facility is determined to be in compliance with the law and/or rules.
- A non-compliance Certificate of Registration shall be issued when a facility is determined to be in non-compliance with the law and/or rules.
- Two consecutive non-complied DHS inspections, within the inspection year, may lead to an informal meeting w/the Division and DHS and can lead to termination of registration.

### ■ IC 12-17.2-6-7

#### **Notice to parents and guardians by unlicensed ministries**

Sec. 7. The operator of a child care ministry registered under section 2 of this chapter shall provide a notice to the parent or guardian of a child enrolled in the child care ministry. The notice must be signed by the parent or guardian when the child is enrolled in the child ministry until two (2) years after the last day the child attends the child care ministry. This notice must be maintained by the child care ministry and made available to the division upon request. The notice must be in the following form: "I understand that this child care ministry is not licensed under the laws of Indiana. However, I understand that this child care ministry must comply with the state rules concerning sanitation and fire and life safety for the primary use of the structure in which it is conducted. I understand that it is my responsibility to ensure that the nutritional and health needs of my child are met while my child is at the child care ministry.

SIGNATURE \_\_\_\_\_".

### Checklist # 10. RECORDS b.

### ♦ Intent:

To ensure that parents of children in the care of an unlicensed registered child care ministry fully understand that the facility is not licensed, this provision requires the facility to provide each parent with a notice that the facility is not licensed. The provision requires the facility to use the specified language in the notice, to obtain parental signature of the notice and to maintain the notices on file by the facility for Division review.

- Modification of the Parent Notice shall be approved by the Division.

### ○ Assessment Method:

- Review facility files for copies of the signed Parent Notice for each child in care.

- Review enrollment records and match to the number of signed Parent Notices for each child to determine compliance.

#### ■ IC 12-17.2-6-8

##### **Liability for injuries to children**

Sec. 8. A child care ministry is not absolved from liability for injury to a child while the child is at the child care ministry if the cause of the injury is negligence or intentional wrongdoing on the part of the child care ministry or an employee of the child care ministry.

##### ♦ Intent:

This provision clarifies that the unlicensed registered child care ministry is not absolved from liability for injury to a child in care if the injury is due to negligence or intentional wrongdoing on the part of the facility or an employee of the facility.

- An Attestation Statement, signed by the applicant, noting liability and responsibility of the operation of the unlicensed registered child care ministry shall be included with the initial application and with the annual re-registration application.
- The Statement of liability shall be included in the body of the Parent Notice.

##### ○ Assessment Method:

- Central Office review of the application file for a signed Attestation Statement.
- Review the Parent Notice for inclusion of the Statement of liability and parent signature.

#### ■ IC 12-17.2-6-9

##### **Loss of exemption for violation of chapter**

Sec. 9. A child care ministry is not exempt under section 1 of this chapter if the operator or an employee of the child care ministry violates this chapter.

##### ♦ Intent:

To establish that an unlicensed child care ministry loses its exemption from licensure if the operator or employee violates this chapter.

#### ■ IC 12-17.2-6-10

##### **Advertising requirements for exempt ministries**

Sec. 10. A child care ministry that is exempt from licensing under this chapter must clearly state in all of its paid promotional advertising that the child care ministry is providing child care as an extension of the ministry's church or religious ministry. A child care ministry that is exempt from licensing under this chapter must be referred to in all of its paid promotional advertising as a child care ministry.

##### ♦ Intent:

To ensure that an unlicensed child care ministry shall acknowledge in all of its advertising that it is providing child care as an extension of the church. The word "Center" may not be used when advertising the operation as an unlicensed registered child care ministry.

○ Assessment Method:

- Central Office review of application for correct identification of the ministry.
- Ministry inspectors, using checklist, determine if ministry is using the correct identification.

■ **IC 12-17.2-6-11**

**Immunization of children**

Sec. 11. (a) The parent or guardian of a child shall, when the child is enrolled in a child care ministry, provide the child care ministry with proof that the child has received the required immunizations against the following:

- (1) Diphtheria.
- (2) Whooping cough.
- (3) Tetanus.
- (4) Measles.
- (5) Rubella.
- (6) Poliomyelitis.
- (7) Mumps.

(b) A child enrolled in a child care ministry may not be required to undergo an immunization required under this section if the parents object for religious reasons. The objection must be:

- (1) made in writing;
- (2) signed by the child's parent or guardian; and
- (3) delivered to the child care ministry.

(c) If a physician certifies that a particular immunization required by this section is or may be detrimental to the child's health, the requirements of this section for that particular immunization are inapplicable to that child until the immunization is found to be no longer detrimental to the child's health.

Checklist # 10. RECORDS a.

◆ Intent:

To protect children from exposure to vaccine preventable illnesses by establishing the minimum immunizations required for children in the care of an unlicensed registered child care ministry. Exemptions for medical and religious reasons are provided

○ Assessment Method:

- Using a 20% sample, review the files for documentation of complete age appropriate immunizations with annual updates for each child, in accordance with IC 12-7.2-4-18.1 and the regulations of the Department of Health.
- Check for written documentation, updated annually, for parental objections for religious beliefs or physician objections to immunizations for medical reasons.
- Check the files for physician written documentation that a child is in the process of receiving complete age appropriate immunizations.

Resource:

Current Department of Health immunization regulations can be found on [www.in.gov/fssa/carefinder](http://www.in.gov/fssa/carefinder)

▲ Threshold of Compliance:

The facility is found to be in compliance if all immunization records are current or there is appropriate documentation of allowable exemptions.

■ **IC 12-17.2-6-12**

**Registration fees of division**

Sec. 12. (a) The division shall charge a child care ministry a fifty dollar (\$50) fee for processing a registration under section 2 of this chapter.

(b) The division shall deposit the fees collected under subsection (a) in the division of family resources child care fund established by IC 12-17.2-2-3.

◆ Intent:

This statute is procedural in nature and directs the action of the Division. The statute establishes a fee for processing a registration and directs the Division to deposit fees collected in the family resources child care fund.

- Registration fees shall be paid, by certified check and/or money order, to the Child Care Fund and are not refundable.

■ **IC 12-17.2-6-13**

**Registration fees of fire marshal**

Sec. 13. (a) The state fire marshal shall charge a child care ministry a fifty dollar (\$50) fee for processing a registration under section 2 of this chapter.

(b) The state fire marshal shall deposit the fees collected under subsection (a) in the fire and building services fund established by IC 22-12-6-1.

◆ Intent:

This statute is procedural in nature and directs the action of the DHS. The statute establishes a fee for processing a registration and directs the DHS to deposit fees collected in the fire and building services fund.

- Each agency must receive a certified check or money order for registration.

■ **IC 12-17.2-6-14**

**Criminal history checks**

Sec. 14. The child care ministry must do the following:

(1) Conduct a criminal history check of the child care ministry's employees and volunteers.

(2) Refrain from employing, or allowing to serve as a volunteer, an individual who:

(A) has been convicted of any of the following felonies:

- (i) Murder
- (ii) Causing suicide
- (iii) Assisting suicide
- (iv) Voluntary manslaughter
- (v) Reckless homicide
- (vi) Battery
- (vii) Aggravated battery
- (viii) Kidnapping
- (ix) Criminal Confinement
- (x) A felony sex offense under IC 35-42-4
- (xi) Carjacking
- (xii) Arson



- (xiii) Incest
- (xiv) Neglect of a dependent
- (xv) Child selling
- (xvi) A felony involving a weapon under IC 35-47 or IC 35-47.5.
- (xvii) A felony relating to controlled substances under IC 35-48-4.
- (xviii) An offense relating to material or a performance that is harmful to minors or obscene under IC 35-49-3.
- (xix) A felony that is substantially equivalent to a felony conviction listed under items (i) through (xviii) for which the conviction was entered in another state.

(B) has been convicted of a misdemeanor related to the health or safety of a child; or

(C) is a person against whom an allegation of child abuse or neglect has been substantiated under IC 31-33.

(3) Maintain records of each criminal history check.

#### Checklist # 10. RECORDS c.

##### ♦ Intent:

To protect children from an employee or volunteer in the unlicensed registered child care ministry who presents risk due to his/her criminal activity. The statute compels the facility to conduct and maintain a check for all of its employees and volunteers.

- A limited statewide criminal history check shall be conducted on all persons providing child care at an unlicensed registered child care ministry, regardless of age.
- State of residency criminal history checks are documented on all persons, if residency is in another state.
- Records of each criminal history check, including a criminal history check on the person signing the application, shall be maintained at the facility and shall be available to the Division, for review, during all hours of operation for the child care ministry.
- The law prohibits persons with certain criminal histories from caring for children in an unlicensed registered child care ministry.
- The law prohibits persons with substantiated child abuse/neglect from caring for children in an unlicensed registered child care ministry.

##### ○ Assessment Method:

- Check the files for criminal history checks for all employees and volunteers.
- Provide information to the Central Office so that a CPS background check can be conducted for all staff and volunteers.

#### ■ IC 12-17.2-6-15

##### **Unscheduled visits by parents and guardians**

Sec. 15. Unscheduled visits by a custodial parent or guardian of a child shall be permitted at any time a child care ministry is in operation.

##### ♦ Intent:

To ensure that parents are always free to visit the facility unannounced. All areas that are accessible to children shall be accessible to custodial parents/guardians.

○ Assessment Method:

Ask Director and staff about this policy.

▲ Threshold of Compliance:

Noncompliance with this rule would normally be revealed through a complaint.